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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10 678,132	10/06/2003	Seiki Aoyama	01-487	1092

23400 7500 05/03/2005

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

CHANG, JOSEPH

ART UNIT	PAPER NUMBER
287	

287

DATE MAILED 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

Applicant(s)

10 678.132

AOYAMA ET AL.

Office Action Summary

Examiner

Art Unit

Joseph Chang

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) [X] Responsive to communication(s) filed on 21 April 2005.
2a) [ ] This action is FINAL. 2b) [X] This action is non-final.
3) [ ] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) [X] Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
5) [ ] Claim(s) \_\_\_\_\_ is/are allowed.
6) [X] Claim(s) 1-5 is/are rejected.
7) [ ] Claim(s) \_\_\_\_\_ is/are objected to.
8) [X] Claim(s) 1-15 are subject to restriction and/or election requirement.

Application Papers

- 9) [ ] The specification is objected to by the Examiner.
10) [X] The drawing(s) filed on 06 October 2003 is/are: a) [X] accepted or b) [ ] objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) [ ] The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) [X] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) [X] All b) [ ] Some \* c) [ ] None of:
1. [X] Certified copies of the priority documents have been received.
2. [ ] Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. [ ] Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) [X] Notice of References Cited (PTO-892)
2) [ ] Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) [X] Information Disclosure Statement(s) (PTO-1449 or PTO SB 08)
Paper No(s) Mail Date 10 6 03
4) [ ] Interview Summary (PTO-413)
Paper No(s) Mail Date \_\_\_\_\_
5) [ ] Notice of Informal Patent Application (PTO-152)
6) [ ] Other \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Species 1 (Fig.1) in the reply filed on 4/21/05 is acknowledged. Applicant indicated that claims 1-10 read on elected species I. However, upon examination Claims 6-10 do not read on elected species I. Therefore, Claims 6-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/21/05.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim US Pub. No. 2002/0000889 A1.

Regarding Claims 1, 2 and 4, Kim discloses an oscillator circuit (200 of 400, see Fig. 3, Para[0036]): a CR circuit (C, 250b,252b,254b,256b) for providing a feedback circuit to an active device (210,220,230), wherein the CR circuit is comprised of a first resistor group (250b,252b,254b,256b, P+diffusion resistors) and a capacitor(C); and a second resistor group (250a,252a,254a,256a, polysilicon resistors) comprised of one or more resistors, wherein the second resistor group is for adjusting a charge/discharge

trigger voltage and a charge/discharge time associated with the capacitor of the CR circuit (the structure inherently functions as recited), wherein the second resistor group (polysilicon resistors) has a temperature coefficient that is larger than a temperature coefficient associated with the first resistor group (P+diffusion resistors)(see Fig.6A and 6B for the temperature coefficient, opposing characteristics with the temperature variation).

Regarding Claim 3, Kim discloses the temperature coefficients of the first resistor group (P+diffusion resistors) and the second resistor group (polysilicon resistors) are varied by changing an impurity density of the elements (Para[0069]).

Regarding Claim 5, Kim discloses the oscillator circuit is integrated in one chip (Para[0012]).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

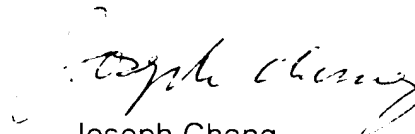
One discloses a timer circuit in response to temperature changes.

Nagatomo discloses a CR oscillation circuit with a ring oscillator structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is 571 272-1759. The examiner can normally be reached on Mon-Fri 0700-1730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Chang  
Patent Examiner  
Art Unit 2817.